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SUBJECT: FRENCH BIOTECH FINALLY ADOPTED - MORE TO COME

REFS: (A) PARIS 714 ; (B) 2007 PARIS 4660 ; (C) PARIS 78

¶1. Summary: On May 22, France adopted a biotech bill after weeks of rancorous debate within the Parliament. The bill theoretically guarantees French farmers and consumers the right to produce and consume with or without GMOs. However, ministerial decrees implementing the legislation will define the viability of agricultural biotech in France. One ominous sign is the composition of the newly-created biotech evaluation authority, which will be composed not only of scientists, but will also have a socio-economic committee. France is already trying to remodel the EU evaluation process based on its new system. End Summary.

¶2. Following months of tense fractious political discussions and frictions between the French government and Parliament (Ref A), a French biotech bill was finally adopted on May 22, 2008. The bill, which includes 14 articles, transposes EU Directives on the use of genetically engineered products, creates a new biotech authority (High Committee for Biotechnology), establishes technical conditions for producing biotech crops through a new coexistence framework, and sets harsher penalties for biotech crop destructions. France is one of the last member states to finally transpose these EU Directives.

¶3. As anticipated in Ref A, in the rancorous debate in the Parliament in April, the government lost control of the issue when the National Assembly rejected the bill during its second reading on May 13, to the surprise of many observers. This political stumble - the first defeat of a bill under the Sarkozy government - was largely due to the failure of the center-right UMP majority to impose party discipline, given the sensitivity of the issue as well as friction between the party deputies and the Sarkozy government. Following the defeat, a reconciliation committee, composed of seven Senators and seven representatives, was formed and prepared a bill (virtually the same as the rejected version, without taking into account the 800 amendments prepared by the opposition), on May 14, which was passed by the National Assembly on May 20, and by the Senate on May 22. Left-wing politicians are reportedly planning to block the bill before it comes into law by filing an appeal to the Constitutional Council.

¶4. The passage of this legislation is only the first step of many that will be required to establish a legal framework on biotech in France, as implementing decrees are required and expected in the next few months. First, the new High Committee for Biotechnology, created by the law, needs to be established. Its composition is expected to be controversial as it will include both a scientific committee and a socio-economic committee. (Though it will be up to the High Committee's President to determine how much weight to give

to the advice of the socio-economic committee). This Committee will likely mirror the Interim Committee put in place temporarily after the "Grenelle" environmental consultations organized last fall (Ref B). The Interim Committee's evaluation of MON810 led the GOF to impose a national ban on MON810 planting (Ref C) until its reevaluation by European authorities, which is still pending.

15. The decrees implementing the bill will have to be prepared and published in the French Official Journal. Of high interest will be the decrees detailing biotech and non-biotech crop coexistence measures, such as cropping distances, that will be prepared by the French Ministries of Agriculture and Environment. These implementing decrees will influence, to a great extent, the economic viability of biotech crops in France.

16. No GE crop production will take place in France in 2008, and no open-field experiments are expected to be approved for new GE crop varieties. While the French Minister of Agriculture had officially announced open-field test plots would be authorized in 2008, to date, there has been no administrative authority formed to approve proposals. Thus, it is expected that only approvals to renew multi-year trials will be provided.

17. Conclusion: Despite the completion of the biotech bill, many uncertainties remain, and recent events have generated added insecurity among consumers towards GE products, while farmers are uncertain whether they will have access to GE seeds next year. Seed companies are uncertain about being able to conduct field trials this year, or market their GE seeds next year. These are not promising developments in France and even more worrisome is its intention to export its GE evaluation framework as a model for the EU. France is likely to strengthen these efforts during its

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presidency of the European Union in the second half of 2008.

Stapleton